

01/25/02
J1044 U.S. PTO

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PTO/SB/05 (08-00)

Approved for use through 10/31/2000 OMB 0651-0032

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	00801.0137.CNUS16
First Inventor	Monto H. KUMAGAI
Title	Method for Enhancing RNA or Protein Production Using Non-Native ...
Express Mail	EL 615 210 302 US

APPLICATION ELEMENTS

See MPEP Chapter 600 concerning utility patent application contents.

ADDRESS TO:

Commissioner for Patents
Box Patent Application
Washington, DC 20231

- ☒ Fee Transmittal Form (PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
- ☒ Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Specification [Total Pages **53**]
(preferred arrangement set forth below)
-Descriptive title of the invention
-Cross reference to Related Applications
-Statement Regarding Fed Sponsored R & D
-Reference to sequence listing, a table,
or a computer program listing appendix
-Background of the Invention
-Brief Summary of the Invention
-Detailed Description
-Claim(s)
-Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **7**]
- ☒ Oath or Declaration [Total Pages **6**]
 - ☐ Newly executed (original or copy)
 - ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuational divisional with Box 17 completed)
 - ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b)
- ☐ Application Data Sheet. See 37 CFR 1.76

- ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
- ☐ Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - ☐ Computer Readable Form (CRF)
 - Specification Sequence Listing on:
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☐ paper
- ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- ☐ Assignment papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement ☐ Power of
(when there is an assignee) Attorney
- ☐ English Translation Document (if applicable)
- ☐ Information disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations
- ☐ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
- ☐ Other

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/359,299 filed July 21, 1999

Prior application information: Examiner G. Jeffers, Jr. Group I Art Unit: 1636

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label **27194** or ☒ Correspondence address below

Name	Howrey Simon Arnold & White, LLP 27194				
Address	301 Ravenswood Avenue PATENT TRADEMARK OFFICE				
	Box 34				
City	Menlo Park	State	CA	Zip Code	94025
Country	USA	Telephone	650-463-8109	Fax	650-463-8400

NAME (Print/Type)	Albert Halluin; Robin Chiang	Registration No. (Attorney/Agent)	25,227; 46,619
Signature		Date	Jan. 25, 2002

Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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**FEE TRANSMITTAL
for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$1312.00)

Complete if Known

Application Number	Not Yet Assigned
Filing Date	Herewith
First Named Inventor	Monto H. KUMAGAI
Examiner Name	Not Yet Assigned
Group Art Unit	Not Yet Assigned
Attorney Docket No.	00801 0137 CNUS16

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Acct. No.

08-3038

Deposit
Account
Name

Howrey Simon Arnold & White, LLP

- ☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☒ **Payment Enclosed:**

- ☒ Check ☐ Credit card ☐ Money ☐ Other
Order

FEE CALCULATION**1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740 00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$740.00)**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
36	-20** = 16	18	288
Independent Claims	4 - 3 = 1	84	84
Multiple Dependent		0	0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	44	** Reissue Independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$372.00)

**or number previously paid, if greater; For Reissues, see above

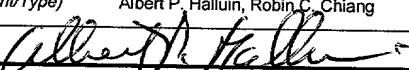
FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Fee	Entity Fee	Small Fee	Entity Fee	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	200 00
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$200.00**SUBMITTED BY**

Name (Print/Type)	Albert P. Halluin, Robin C. Chiang	Registration No. (Attorney/Agent)	25,227; 46,619	Complete (if applicable)
Signature		Telephone	650-463-8109	Date
				Jan 25, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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EXPRESS MAIL NO.: EL 615 210 302 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Monto H. Kumagai, *et al.*

Group Art Unit: To Be Assigned

Application Serial No.: To Be Assigned

Examiner: To Be Assigned

Filed: January 25, 2002

Attorney's Docket No: 00801.0137.CNUS16

For: **METHOD FOR ENHANCING
RNA OR PROTEIN
PRODUCTION USING NON-
NATIVE 5'-UNTRANSLATED
SEQUENCES IN RECOMBINANT
VIRAL NUCLEIC ACIDS**

**REQUEST FOR TRANSFERRING
PREVIOUS FILED SEQUENCE INFORMATION**

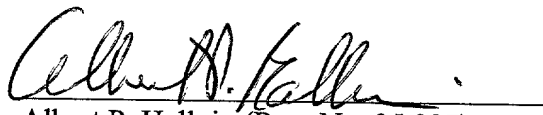
Commissioner for Patents
Washington, D.C. 20231

Sir:

The paper copy of the Sequence Listing in this Application (To Be Assigned), is identical to the computer readable copy of the Sequence Listing submitted in Application Serial No. 09/359,299, filed July 21, 1999 (hereafter "the '299 Application"). In accordance with § 37 CFR 1.821(e), please use the computer readable form filed in the '299 Application as the computer readable form for the instant Application. It is understood that the Patent and Trademark Office will make the necessary changes in the Application number and filing date for the instant Application. A paper copy of the Sequence Listing has already been submitted with the filing of the instant Application on January 25, 2002.

Respectfully submitted,

Date: January 25, 2002


Albert P. Halluin (Reg. No. 25,227)
Robin C. Chiang (Reg. No. 46,619)

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